

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI, EASTERN DIVISION**

NOOTER CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 4:10-CV-00744-TIA
)	
ALLIANZ UNDERWRITERS INSURANCE)	
COMPANY, APPALACHIAN INSURANCE)	
COMPANY, CONTINENTAL CASUALTY)	
COMPANY, CERTAIN UNDERWRITERS)	
AT LLOYDS, LONDON AND LONDON)	
MARKET INSURANCE COMPANIES,)	
EVANSTON INSURANCE COMPANY,)	
MUNICH REINSURANCE AMERICA, INC.)	
as successor-in-interest to AMERICAN)	
REINSURANCE COMPANY, NATIONAL)	
UNION FIRE INSURANCE COMPANY OF)	
PITTSBURGH, PA, and NORTH STAR)	
REINSURANCE CORPORATION,)	
)	
Defendants.)	

**CONSENT ORDER AND STIPULATION
TO REMAND ACTION TO STATE COURT**

Plaintiff, by and through its counsel of record, and Defendants, by and through their respective counsel of record, stipulate as follows:

WHEREAS, on March 10, 2010, Plaintiff Nooter Corporation (“Plaintiff”) filed a complaint against various defendants in Circuit Court for the 22nd Circuit, City of St. Louis, Missouri (Case No. 1022-CC01145);

WHEREAS, on April 28, 2010, Defendants Allianz Underwriters Insurance Company, Munich Reinsurance America, Inc., as successor to American Re-Insurance Company, Evanston Insurance Company, National Union Fire Insurance Company of Pittsburgh, Pa., and North Star Reinsurance Corporation, with the consent of certain London Market Insurance Companies,

Certain Underwriters at Lloyd's, London, Appalachian Insurance Company, and Continental Casualty Company, removed the action to this Court based upon diversity jurisdiction;

WHEREAS, following removal of the action to this Court, Continental Casualty Company moved to stay the litigation against it;

WHEREAS, on May 14, 2010, Plaintiff filed a motion to remand, asking this Court to remand the action to state court, with costs awarded to Plaintiff;

WHEREAS, the interested parties have engaged in discussions and reached a resolution regarding Plaintiff's pending motion to remand;

WHEREAS, Continental Casualty, without prejudice to or waiver of the arguments in its pending motion to stay, consented to remand at the request of the other defendants;

WHEREAS, the parties have reached the following resolution and hereby stipulate as follows:

1. Defendants agree and consent to the remand of this case to the Circuit Court for the 22nd Circuit, City of St. Louis, Missouri;
2. Both Plaintiff and Defendants agree to bear their own costs and waive any rights to costs or attorneys' fees arising out of Plaintiff's Motion to Remand.

IT IS SO ORDERED

The Honorable Terry I. Adelman
United States Magistrate Judge

IT IS SO STIPULATED.

<p>By: <u>/s/ John A. Gibbons(with consent)</u> Of Counsel: David L. Elkind, Esq. (<i>pro hac vice</i>) John A. Gibbons, Esq. (<i>pro hac vice</i>) DICKSTEIN SHAPIRO LLP 1825 Eye Street, N.W. Washington, D.C. 20006-5403 (202) 420-2200</p> <p>and</p> <p>Barry A. Short, Esq., #4358 bshort@lewisrice.com Richard A. Wunderlich, Esq., #4756 rwunderlich@lewisrice.com LEWIS, RICE & FINGERSH, L.C. 600 Washington, Suite 2500 St. Louis, Missouri 63101 (314) 444-1308</p> <p>Attorneys for Plaintiff Nooter Corporation</p>	<p>By: <u>/s/ Seth B. Goldberg (with consent)</u> Seth B. Goldberg sbgoldberg@fmew.com Ford Marrin Esposito Witmeyer & Gleser, L.L.P. Wall Street Plaza New York, New York 10005-1875</p> <p>and</p> <p>Susan Schwartzkopf Schwartzkopf@WuestlingandJames.com Wuestling & James, L.C. 720 Olive St., Suite 2020 St. Louis, MO 63101</p> <p>Attorneys for Defendant Appalachian Insurance Company</p>
<p>By: <u>/s/ Michael L. Young (with consent)</u> Michael L. Young Michael.young@heplerbroom.com HeplerBroom LLC 800 Market Street Suite 2300 St. Louis, MO 63101</p> <p>and</p> <p>Roderick T. Dunne dunne@karballaw.com Alan Posner aposner@karballaw.com Karbal, Cohen, Economou Silk & Dunne LLC 200 S. Michigan Ave., 20th Floor Chicago, IL 60604</p> <p>Attorneys for Defendant Allianz Underwriters Ins. Co.</p>	<p>By: <u>/s/ Maryann C. Hayes (with consent)</u> Maryann C. Hayes mhayes@batescarey.com Bates & Carey LLP 191 North Wacker Chicago, IL 60606</p> <p>and</p> <p>James C. Owen jowen@mlklaw.com McCarthy, Leonard Kaemmerer, L.C. 400 S. Woods Mill Rd. Suite 250 Chesterfield, MO 63017</p> <p>Attorneys for Defendant Munich Reinsurance America, Inc.</p>

<p>By: <u>/s/ Robyn Greifzu Fox (with consent)</u> Robyn Greifzu Fox rfox@moser.com Moser & Marsalek, P.C. 200 North Broadway Suite 700 St. Louis, MO 63102</p> <p>Attorneys for Defendants Certain Underwriters at Lloyd's, London and Certain London Market Insurance Companies</p>	<p>By: <u>/s/ Donald L. Uttrich (with consent)</u> Donald L. Uttrich duttich@jackscamp.com Ngoc H. Lam nlam@jackscamp.com Jackson & Campbell, P.C. 1120 20th Street, N.W. South Tower, Suite 300 Washington, DC 20036-3437</p> <p>and</p> <p>Lori R. Koch lkoch@grlawstl.com Geoffstein, Raskas, Pomerantz Kraus & Sherman LLC 7701 Clayton Road St. Louis, MO 63117</p> <p>Attorneys for Defendant National Union Fire Insurance Company of Pittsburgh</p>
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By: /s/ Michael J. Balch (with consent)

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